

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

LINDA REGNIER,)	
Plaintiff,)	
)	
)	Case No. 2:15cv073
)	(Formerly Porter Superior Court
HEALTHLINC, INC.,)	Case No. 64D01-1412-CT-010593)
KIMBERLY HESS, M.D.,)	
STACIE BRASWELL, M.D. and)	
ANONYMOUS HEALTH CENTER,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 2679(d)(2) the United States of America removes to the United States District Court for the Northern District of Indiana, Hammond Division, the action now pending in the State of Indiana, Porter Superior Court as Case No. 64D01-1412-CT-10593 and states as follows:

1. On December 4, 2014, the above-entitled action was commenced in the Porter Superior Court, and is now pending therein. Copies of all process and pleadings, and orders received by the defendants in this cause are attached hereto. (Group Exhibit 1).

2. The United States of America may remove this case pursuant to 28 U.S.C. § 2679(d)(2) because the case involves issues founded on a claim or right arising under the laws of the United States, specifically the Federal Tort Claims Act, §§1346(b); 2671-2680 (1988) as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988, §5, Pub. L. No. 100-694, 102 Stat. 4563 (1988) (codified at 28 U.S.C. § 2679) and the Federally Supported Health Centers Assistance Act, 42 U.S.C. §233(g)-(n).

3. Pursuant to 28 U.S.C. § 2679(d)(2), the United States Attorney for the Northern

District of Indiana, as a delegee of the United States Attorney General, certified that defendant, HealthLinc, Inc. was deemed an employee of the Public Health Service Act pursuant to the Federally Supported Health Centers Assistance Act, 42 U.S.C. §233(g)-(n) at the time of the events on which this lawsuit is based. The United States Attorney for the Northern District of Indiana also certified that defendants Kimberly Hess, M.D. and Stacie Braswell, M.D. were acting within the scope of their employment as Public Health Service employees pursuant to the Federally Supported Health Centers Assistance Act, 42 U.S.C. §233(g)-(n) at the time of the events on which this lawsuit is based. (Certification- Exhibit 2).

4. Pursuant to §2679(d)(2), all claims in this action against HealthLinc, Inc., Kimberly Hess, M.D., and Stacie Braswell, M.D., are a suit against the United States.

5. This Notice of Removal is timely under section 2679(d)(2) of Title 28 which provides that removal can occur “at any time before trial” and trial has not yet occurred in this matter.

6. Under the provisions of Title 28, United States Code, Sections 1446(d) and 2679(d)(2), no security or bond is required of petitioner.

CONCLUSION

For the foregoing reasons, the United States of America removes to the United States District Court for the Northern District of Indiana, Hammond Division, the action now pending in the Porter Superior Court as Case No. 64D02-1412-CT-10593.

Respectfully submitted,

DAVID CAPP
UNITED STATES ATTORNEY

By: s/ *Sharon Jefferson*
Sharon Jefferson
Assistant United States Attorney
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
Telephone: 219-937-5500
Fax: 219-852-2770
Email Address: Sharon.Jefferson2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2015, I electronically filed the foregoing Memorandum with the Clerk of the court using the CM/ECF system which sent notification of such filing to the following: N/A/ and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participant:

Ronald F, Layer
Layer, Tanzillo, Stassin & Babcock, P.C.
Suite 201
1160 Joliet Street
Dyer, Indiana 46311

(Attorney for plaintiff)

/s/ *Denise Konieczka*

Denise Konieczka
Paralegal Specialist

OFFICE OF:
United States Attorney
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
Tel: (219) 937-5500
Fax: 219-852-2770